

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 332 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE J.M.PANCHAL

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

NANDUBEN BHAILALBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

MR YN OZA for Petitioner

MS PROMILA SAFAYA for Respondent No. 1

CORAM : MR.JUSTICE J.M.PANCHAL

Date of decision: 10/02/97

ORAL JUDGEMENT

Rule. Ms.Promila Safaya, learned Standing Counsel for Central Government waives service of notice of Rule on behalf of respondents.

At the request of learned advocates appearing for the parties, the petition is heard today.

By means of filing this petition under Art. 226

of Constitution, the petitioner has prayed to issue a writ of mandamus or any other appropriate writ or order directing the respondents to change place of birth as mentioned in Passport bearing No.U 087578 from Jalia to Dhari.

The petitioner had applied for Passport. The application was accompanied by affidavit filed by the petitioner, wherein it was indicated by the petitioner that her place of birth was Jalia, District Amreli, State of Gujarat. The petitioner has claimed that she was informed by her aged father that she was born at Dhari. Under the circumstances, the petitioner made an application for change of birth place to be mentioned in the Passport. Said application was accompanied with the sworn affidavit of her father. The grievance made by the petitioner is that the application is not accepted by the respondent. Under the circumstances, the petitioner has moved present petition and claimed relief to which reference is made earlier.

From the affidavit filed by the father of the petitioner, it is evident that place of birth of petitioner is village Dhari, District Amreli and not village Jalia. On the facts and circumstances of the case, the court has no reason to doubt the contents of affidavit filed by Mohanbai Rudabhai Patel, aged 88 years who is the father of the petitioner. Therefore, following direction is given :-

The respondent is directed to act upon the affidavit filed by Mohanbai Rudabhai Patel and correct place of birth of the petitioner which is mentioned in the Passport issued to her. Rule is made absolute accordingly with no order as to costs. Direct Service is permitted.
